

AMENDED IN ASSEMBLY APRIL 4, 2013
AMENDED IN ASSEMBLY MARCH 19, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 248

Introduced by Assembly Member Gorell

February 6, 2013

An act to add and repeal Section 321.9 of the Public Utilities Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 248, as amended, Gorell. Energy: powerplants: Ventura County. Under existing law, the State Water Resources Control Board and the 9 California regional water quality control boards regulate water quality in accordance with the Porter-Cologne Water Quality Control Act (act) and the federal Clean Water Act. Under the act, the state board is required to adopt specified state policies with respect to water quality as it relates to the coastal marine environment, including a policy requiring new or expanded coastal powerplants and other industrial installations using seawater for cooling, heating, or industrial processing to use the best available site, design, technology, and mitigation measures feasible to minimize the intake and mortality of all forms of marine life.

This bill would require the Public Utilities Commission and the Independent System Operator, in consultation with specified entities, to submit to the Legislature, on or before January 1, 2015, a report on policies, recommended legislative actions, and incentives necessary to accomplish specified objectives related to once-through cooling

powerplants in Ventura County while preserving and enhancing electric system reliability in the Counties of Santa Barbara and Ventura.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Ventura.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Ventura County possesses unique environmental resources
4 including miles of coast lines, working agricultural lands, valleys,
5 coastal mountains, and the distant Channel Islands. These resources
6 create six distinct microclimates and provide unique habitat, flora,
7 fauna, and marine resources for the various species that share the
8 county. Additionally, they provide a wide variety of recreational
9 opportunities and the base for a superior quality of life in the
10 communities beyond Ventura County.

11 (b) California should promote public policies that create jobs
12 and foster economic growth while maintaining quality of life.
13 Ventura County needs policies that preserve its global
14 competitiveness and allow businesses to grow, invest, and create
15 jobs. These policies should encourage innovation while promoting
16 economic prosperity. Ventura County has a unique blend of
17 industries to protect and promote. The employment base is secured
18 by agriculture, tourism, international trade, and manufacturing
19 industries, with growth occurring in the high-tech, medical, science,
20 and service sectors. All of these industries need affordable, reliable
21 electricity to prosper.

22 (c) In 2010, the State Water Resources Control Board (SWRCB)
23 adopted its Statewide Water Quality Control Policy on the Use of
24 Coastal and Estuaries Waters for Power Plant Cooling, commonly
25 referred to as the "Once-Through Cooling Policy." Two generation
26 facilities in Ventura County are subject to the Once-Through
27 Cooling Policy.

28 (d) To comply with the Once-Through Cooling Policy, an owner
29 or operator of an existing powerplant must reduce intake flowrate
30 at each unit, at a minimum, to a level commensurate with that
31 which can be attained by a closed-cycle wet cooling system, by

1 facility-specific deadlines prescribed in the policy. Alternatively,
2 if an owner or operator demonstrates that compliance with this
3 standard is not feasible, that owner or operator must reduce
4 impingement mortality and entrainment of marine life for the
5 facility to a comparable level to that which would be achieved
6 under the first standard, using operational or structural controls,
7 or both.

8 (e) Pursuant to the Once-Through Cooling Policy, the SWRCB
9 impaneled a Statewide Advisory Committee on Cooling Water
10 Intake Structures (SACCWIS), including representatives from the
11 Public Utilities Commission, the State Energy Resources
12 Conservation and Development Commission, the Independent
13 System Operator, the California Coastal Commission, the State
14 Lands Commission, the State Air Resources Board, and SWRCB
15 staff, to advise the SWRCB on the implementation of the policy
16 to ensure that the implementation schedule takes into account local
17 area and grid reliability.

18 (f) Electricity reliability is critical to California's economy,
19 security, and stability of modern life. It is the top priority for
20 California's electrical energy policy to preserve electric reliability
21 and maintain regional system integrity. Ventura County and Santa
22 Barbara County rely on transmission imports across a narrow
23 corridor that is at risk of outages caused by natural disasters,
24 including earthquakes and fires. During these events, electric
25 reliability in this area depends on service from existing flexible
26 generation units that are subject to the Once-Through Cooling
27 Policy. Generation and transmission operation in California must
28 be monitored and controlled in real time to ensure a consistent and
29 ample flow of electricity. It is designed with system redundancies
30 to prevent outages during emergencies, such as fires, grid failure,
31 or maintenance.

32 SEC. 2. Section 321.9 is added to the Public Utilities Code, to
33 read:

34 321.9. (a) On or before January 1, 2015, the Public Utilities
35 Commission and the Independent System Operator, in consultation
36 with the State Water Resources Control Board, the State Energy
37 Resources Conservation and Development Commission, the
38 California Coastal Commission, the State Lands Commission, the
39 State Air Resources Board, *the California Ocean Protection*
40 *Council*, and other relevant local and federal authorities, shall

1 submit a report to the Legislature, pursuant to Section 9795 of the
2 Government Code, on a study and evaluation of the policies,
3 legislative actions, and other federal, state, and local incentives
4 that are necessary to accomplish, while preserving and enhancing
5 electric system reliability in the Counties of Santa Barbara and
6 Ventura, all of the following objectives:

7 (1) To ensure the preservation of the County of Ventura's
8 environmental resources, tourism, and economic development by
9 decommissioning the existing once-through cooling powerplants
10 or by facilitating the replacement of existing once-through cooling
11 powerplants in the County of Ventura with more modern
12 powerplants while reducing visual impacts and ensuring that
13 sufficient reserve capacity is available in the local capacity
14 reliability area.

15 (2) To review the potential of acquisition of the properties on
16 which the once-through cooling powerplants are located by the
17 City of Oxnard, the County of Ventura, the state, or other
18 responsible entities for the preservation of natural resources in the
19 California coastal zone.

20 (3) To uphold contractual obligations and economic interests
21 of the current owners and operators of the once-through cooling
22 powerplants in the Big Creek/Ventura local capacity reliability
23 area.

24 (4) To modify the cooling technologies at the once-through
25 cooling powerplants in the County of Ventura to mitigate impacts
26 on marine environments, consistent with the ~~once-through cooling~~
27 ~~policy~~ *Once-Through Cooling Policy* and other existing policies.

28 (5) To identify potential sites in the County of Ventura
29 appropriate for once-through cooling powerplants that would not
30 impose greater environmental, agricultural, or economic impacts,
31 or greater costs to the electricity ratepayer, as compared to the
32 redevelopment or replacement of the existing powerplants.

33 (b) Pursuant to Section 10231.5 of the Government Code, this
34 section is repealed on January 1, 2019.

35 SEC. 3. The Legislature finds and declares that a special law
36 is necessary and that a general law cannot be made applicable
37 within the meaning of Section 16 of Article IV of the California

- 1 Constitution because of the unique environmental resources that
- 2 exist in the County of Ventura.

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